

### **REMARKS**

Claims 1–31 are presently pending in this application. By this amendment, claims 1, 8-12, 15, and 24- 27 have been amended and new claims 28-31 have been added. Reconsideration is respectfully requested.

Claims 8-25 have been objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim should refer to other claims in the alternative only and/or, cannot depend from any other multiple dependent claim. To rectify this, the multiple dependency-upon multiple dependencies have been removed. Claims 8 and 9 now depend solely on claim 6. Claims 10-12 and 15 now depend solely on claim 1. Claims 24 and 25 now depend on any one of claims 17-22. Likewise, claims 6 and 7 each are dependent on any one of claims 1-5. It is respectfully submitted that this “any one of” language is proper language (See MPEP 608.01(n) Example A-Claim 11 showing “Acceptable Multiple Dependent Claim Wording”). New claims are all singly dependent.

Accordingly, it is respectfully submitted that any previous multiple dependency problems have now been cured and substantive examination of these claims is respectfully requested at this time.

### **REJECTION UNDER 35 U.S.C. § 112**

Claims 1-5, 26 and 27 have been rejected under 35 U.S.C. §112, second paragraph, in that the “in accordance with a wavelength of optical signals” language has been found to be unclear. The Examiner asks, Is the particular *wavelength* of optical signal containing specific instruction for the routing function? Or is the routing function simply one that routes wavelength of optical signals from input ports to output ports?

In order make these claims more clear, independent claims 1, 26 and 27 have been amended to make it clear that the system employs a *routing function that routes from an input port to an output port in accordance with a wavelength of an optical signal that has been inputted into the input port...*” It is respectfully submitted that this change in language

makes the claim fully clear and definite, because the language clarifies that routing from the input port to the output port is performed depending upon the wavelength of the input optical signal. This means that switching or changing the wavelength of the input optical signal causes dynamic change of the logical network topology.

Claim 3 was rejected as unclear what is meant by "predetermined" and "another" logical network topology. Reconsideration is respectfully requested. With specific regard to claim 3, the Examiner's attention is drawn, for example, to the fifth embodiment. The fifth embodiment provides an example where the network node 1-707 existing in the ring network topology of the RPR network 1-723 is transferred to the Ethernet of the star network topology in the forth embodiment. In this example, the ring network topology would be a "predetermined" topology and the star network would be "another logical network topology." It is thus respectfully submitted, as demonstrated by this example, that claim 3 is definite and would be understood by one of skill in the art.

Claim 26 has been rejected as unclear in that it recites, "...causes the switching of the wavelength..." and the Examiner finds it unclear as to what causes the switching. In order to make the claim more clear, claim 26 has been amended to insert "the device of controlling" before the language "causes the switching of the wavelength of the optical signals." Thus the claim is now definite as to what is causing the switching. Reconsideration is therefore respectfully requested.

#### **REJECTION UNDER 35 U.S.C. § 102**

Claims 1-7 stand rejected under 35 U.S.C. §102(a) as being anticipated by Tanobe et al. (an article entitled "Demonstration of Logical-topology Reconfiguration in Full-mesh WDM Networks (AWG-STAR) Based on Wavelength Routing technology).

As additionally set forth in the Supplemental Information Disclosure Statement, submitted herewith, applicants have investigated the Tanobe et al reference and have confirmed that this article of literature was laid open to public on September 21, 2003. The materials applicants are providing to support this publication date show that Tanobe et al, was first made available to the public on the opening day of a Conference held in Italy on

September 21-25, 2003. The article was used in a session held at 11:45-12:00 on September 25, 2003.

In this case, however, applicants can claim priority to before the publication date of Tanobe et al. Specifically, there are four (4) priority claims available, all of which predate the Tanobe et al publication. The four priority dates available are:

February 13, 2003

May 22, 2003

May 28, 2003

August 20, 2003.

At this time, in the interests of economy and expediency, applicants are electing to perfect their claim of priority two (2) of the four available priority claims by submitting a certified translation of the priority document herewith. Accordingly, copies of the verified English translations of priority applications 2003-35188 and 2003-145228 are submitted herewith. Applicants reserve the right to perfect their claim of priority in any one or more of the remaining available priority claims, in the event such is needed to further prosecution.

In view of applicants' perfected claim of priority, it is submitted that the Tanobe et al reference is not prior art and thus the rejections based on this reference have now been fully met.

#### **ALLOWABLE SUBJECT MATTER**

The Examiner has indicated that claims 26-27 would be allowable if amended to cure the §112 issues noted. This has been done.

The Examiner has further noted that claims 6 and 7 are objected to, but would be allowable if rewritten in independent form. The applicants are not amending claims 6 and 7 at this time, because it is believed that these claims are now allowable, in view of the fact that the parent claims have been rendered allowable.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 08-0750, under Order No. 5259-000054/US/NP from which the undersigned is authorized to draw.

Dated: December 5, 2006

Respectfully submitted,

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